

Docket No. 03762.015700.

Date: January 10, 2011

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: SUSAN BANBURY ET AL.

Application No.: 10/534,117

For: IMPROVED FORMULATIONS CONTAINING SUBSTITUTED IMIDAZOLE
DERIVATIVES

Filed: October 6, 2005

Group Art Unit: 1618

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated July 8, 2010 of the Primary Examiner finally rejecting claims 1 and 3-18.

The item(s) checked below are appropriate.

1. ☒ A Petition for a 3 (three) month extension of time to respond to the final rejection, together with the \$1110.00 extension fee under 37 C.F.R. §1.17, was filed herewith.
2. ☐ A Petition for an additional _____ month extension of time to take further action, together with the \$_____ extension fee under 37 C.F.R. §1.17, was filed on _____.
3. ☒ Fee \$540.00
☐ Fee \$270.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)

- ☒ Electronically submitted
- ☐ Not required (fee paid in prior appeal)
- ☐ Charge to Deposit Account No. 06-1205

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Elizabeth F. Holowacz/
Elizabeth F. Holowacz
Attorney for Applicants
Registration No.: 42,667

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200